

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

EMILIANO RODRIGUEZ-RODRIGUEZ, <i>et al.</i> ,	§	
	§	
	§	
Plaintiffs,	§	
	§	Civil Action No. <b>3:15-CV-3815-L</b>
v.	§	
	§	
BIG BIRD TREE SERVICE, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ORDER**

Before the court is Plaintiffs’ Unopposed Motion to Conditionally Certify a Collective Action (Without Prejudice) and Motion for Approval of Form of Notice and Case Deadlines (the “Motions”), filed September 28, 2016. The court determines that the Motions should be, and are hereby, **granted**. Accordingly, it is therefore **ordered** that:

1. The court conditionally **certifies** a collective action under the Federal Fair Labor Standards Act, 29 U.S.C. §216, and authorizes Plaintiffs’ counsel to issue opt-in notices and consent forms to all current and former hourly paid landscape workers for the three years’ prior to the date of entry of this Order. Notice shall be sent in the form attached to Plaintiffs’ Motion.
2. The court further approves the following Notice schedule:

DEADLINE	DESCRIPTION OF DEADLINE
<b>10 Days From Order Approving Notice to Potential Class Members, or 10 days after entry of Agreed Protective Order, whichever is later.</b>	Defendants to disclose the full names, last known addresses, last known email addresses, and dates of employment of the Putative Class Members. This information shall be produced in a usable electronic format.
DEADLINE	DESCRIPTION OF DEADLINE

<b>No Fewer than 20 Days From Receipt of Contact Information of Putative Class Members from Defendant</b>	Plaintiffs' Counsel shall send by mail and e-mail a copy of Notice and Consent Forms to the Putative Class Members.
<b>60 Days From Date Notice is Mailed to Potential Class Members</b>	Putative Class Members have 60 days to return their signed Consent forms for filing with the court. That 60 day period shall begin to run three days after the mailing of the notice by Plaintiffs' Counsel. Notice shall be considered timely received if postmarked no later than the end of the 60 day notice period and filed by Counsel for Plaintiffs promptly.
<b>30 Days from Date Notice is Mailed to Potential Class Members</b>	Plaintiffs' Counsel are authorized to send a postcard reminder to the Putative Class Members, and is authorized to e-mail a second identical copy of the Notice and the Consent form to the Putative Class Members reminding them of the deadline for the submission of the Consent forms.

3. Within 24 hours of mailing the notices to the potential class members as described above, Counsel for Plaintiffs shall file a notice with the court through the court's ECF system advising of the date of the mailing.

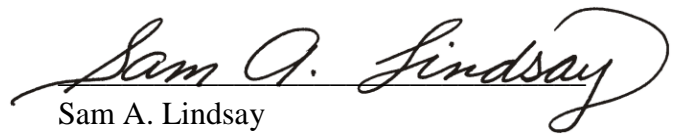
4. Defendant is further ordered to provide Counsel for Plaintiffs with the last four digits of the Social Security Number, or if none, the birthdate for putative class members whose mail is returned undeliverable. Defendant shall provide that data within 24 hours of being notified by Counsel for Plaintiff that mail for any putative plaintiff was returned as undeliverable.

5. The court orders that the envelope, which the aforementioned notices shall be mailed in, state on the outside, in regular or bold typeface: **"Notice of Unpaid Overtime Lawsuit**

– **Deadline to Join.**” Plaintiffs’ Counsel may also e-mail the notices to the employees with the same notice on the cover e-mail and subject line attaching the notices.

6. Finally, the court orders that the consent to join forms shall be in substantially similar form and substance as the consent form attached to Plaintiff’s Motion.

Signed this 29th day of September, 2016.

A handwritten signature in black ink, reading "Sam A. Lindsay". The signature is written in a cursive style with a large, sweeping loop at the end of the last name.

Sam A. Lindsay  
United States District Judge